

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD M. DAVIDSON,

Defendant.

2:05-CR-0440-RLH-LRL

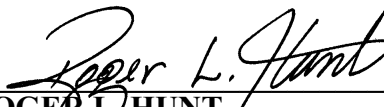
**ORDER**

Before this Court is the Report and Recommendation (#71, filed June 7, 2007) of United States Magistrate Judge Lawrence R. Leavitt, regarding Defendant's Motion to Dismiss Count One of the Second Superseding Indictment (#49). Objections (#76) were filed to Magistrate Judge Leavitt's Report and Recommendation in accordance with Local Rule IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada. The Government has filed an Opposition (#82) thereto, and the matter was submitted for consideration.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and Recommendation of Magistrate Judge Leavitt should be accepted and adopted.

IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommendation (#71, entered June 7, 2007) is AFFIRMED and ADOPTED, Defendant Davidson's Motion to Dismiss Count One of the Second Superseding Indictment (#49) is denied.

Dated: June 19, 2007.

  
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**ROGER L. HUNT**  
Chief U.S. District Judge